THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.818 OF 2006

Dated: 21-02-2006

Between

B. Sohanlal, S/o. B. Anantharam,

Occ: Business, R/o. H.No.14-1-49/A,

Mangalhat, Hyderabad, rep. by his

G.P.A holder, B. Shyam, S/o. B. Sohanlal,

Occ: Business, R/o. H.No.14-1-49/A,

Mangalhat, Hyderabad.

...PETITIONER

AND

District Collector, R.R. District

Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in trying to interfere with his peaceful possession and enjoyment in respect of his patta land admeasuring Ac.2.21 guntas inS.No.316/1 situated at Chandanagar (v), Serilingampalli Mandal, Ranga Reddy District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the aforementioned land and his name was also mutated in the revenue

records vide proceedings No.B/97/2002 dated 05.10.2002 of the Mandal Revenue Officer, Serilingampalli, Ranga Reddy District. While so, when the third parties started interfering with the petitioner's peaceful possession and enjoyment, he file a suit in O.S.No.932 of 2002 on the file of the Principal Junior Civil Judge, West and South, Ranga Reddy District, which was ultimately decreed on 26.12.2005 holding that the petitioner is the absolute owner and possessor of the property.

The learned counsel further submits that the third respondent with assistance of local police visited the land of the petitioner on 04.01.2006 and took measurements of the said land stating that the Government requires the land for public purpose and also made an attempt to take possession of the said land without following due procedure prescribed in law.

This Court is of the opinion that if the said land is a Government land it is always open for the respondents to initiate appropriate action under the Land Acquisition Act, 1894 and if it is an assigned land action can be taken under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. However, without giving any reasonable opportunity to the petitioner and without following due process of law the respondents cannot dispossess the petitioner from the land in question.

Having regard to the facts and circumstances of the case,

the writ petition is disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner without following due procedure prescribed in law.

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V. ESWARAIAH, J

February 21, 2006

DSK